

AS

**Notice of Allowability**

Application No.

10/004,484

Examiner

Kuo-Liang Peng

Applicant(s)

LAI ET AL.

Art Unit

1712

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/12/04 Amendment.
2. ☒ The allowed claim(s) is/are 1-6, 25.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

Kuo-Liang Peng  
Primary Examiner  
Art Unit: 1712

### **DETAILED ACTION**

1. Applicants' amendment filed on January 12, 2004 was received. Claims 1 and 25 are amended.
2. Claim objection in the previous Office Action (Paper No. 6) is removed.
3. Claim rejections under 35 USC 112 in the previous Office Action (Paper No. 6) are removed.
4. Claim rejections under 35 USC 102 in the previous Office Action (Paper No. 6) are removed.
5. This application is in condition for allowance except for the presence of claims 7-24 to an invention non-elected without traverse. Accordingly, claims 7-24 have been cancelled.

### ***Examiner's Amendment***

6. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Delete Claims 7-24.

*Allowable Subject Matter*

7. Claims 1-6 and 25 are allowed.

8. The following is an examiner's statement of reasons for allowance:

The present claims are allowable over the closest references: Rogler (US 4 929 051) and Ito (5 855 825).

Rogler discloses a polysiloxane prepolymer containing carbonate linkages having a molar ratio of aromatic substituents to alkyl substituents no less than 1:4 as described in paragraph 7. However, it does not teach or fairly suggest a polysiloxane prepolymer containing the linkages in the instant invention having a molar ratio of aromatic substituents to alkyl substituents no less than 1:4 as set forth in Claims 1-6. Furthermore, Rogler does not teach or fairly suggest a prepolymer containing urethane linkages derived from IPDI and  $-(CH_3)PhSiO-$  units as set forth in Claim 25.

Ito (US 5 855 825) discloses a polysiloxane prepolymer containing urethane linkages (col. 7, lines 8-56). However, Ito does not teach or fairly suggest that the polysiloxane prepolymer having a aromatic substituents to alkyl substituents of no less than 1:4 and having a refractive index of at least approximately 1.45 as set forth in Claims 1-6. Furthermore, Ito (US 5 855 825) discloses a polysiloxane prepolymer (col. 7, lines 8-56). However, Ito does not teach or fairly suggest the prepolymer of the present invention. Especially, although Ito discloses polysiloxane prepolymers containing linkages derived from IPDI (col. 22, lines 5-22 and Claims 8, 16 and 20), the instant polysiloxane prepolymer does not a) contain any  $-(CH_3)PhSiO-$  units,

Art Unit: 1712

b) contain a tetramethylene linkage between the Si atom and the nearest  $\text{-NHC(O)O-}$ , rather it contains  $\text{-CH}_2\text{CH}_2\text{O-CH}_2\text{CH}_2\text{CH}_2\text{-}$  linkage and c) a refractive index of at least approximately 1.45 as set forth in Claim 25.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuo-Liang Peng whose telephone number is (571) 272-1091. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

klp  
April 14, 2004

  
Kuo-Liang Peng  
Primary Examiner  
Art Unit 1712